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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,329	01/18/2007	Laurent Teyssedre	296736US0PCT	7416
22850 7590 02/22/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER BOLDEN, ELIZABETH A				
ART UNIT 1793		PAPER NUMBER		
NOTIFICATION DATE 02/22/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/593,329

Applicant(s)

TEYSSÉDRE ET AL.

Examiner

/Elizabeth A. Bolden/

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-14 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I, claims 1-7 and 9-14 in the reply filed on 22 October 2009 is acknowledged.

Claim 8 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 22 October 2009. Further note that in claim 1, the claim matter of lines 7-10 has also been withdrawn from examination.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The IDSs submitted 14 December 2006 have been considered by the Examiner.

Examiner's Comment

In claim 12, the claim refers to a preferable range, beyond the broader range. This preferable range is not given any weight. Should the applicant want protection for this range the range should be claimed separately.

Claim 1, the claim matter of lines 7-10 has also been withdrawn from examination and therefore should be amended to reflect this election.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites that the glass “furthermore includes less than 1% of coloring agents...”, this phrasing is unclear since it appears that one of the further recited colorants are required however, less than 1% includes 0%.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krumwiede et al., U.S. Patent 6,274,523.

Krumwiede et al. teach a grey soda lime silica glass composition comprising in terms of weight percentages: T-Fe₂O₃ 0.35-1.1, CoO 50-180 ppm, Se 1-30 ppm, NiO 25-550 ppm, TiO₂ and V₂O₅ up to 2%, and a redox of 0.20-0.30, overlapping ranges of components with instant claims 1, 4-7, and 9. See Abstract of Krumwiede et al., column2, lines 18-28 and 40-54, column 10, lines 42-51, and column 11, lines 1-5 and 15-33. Overlapping ranges have been held to establish *prima facie* obviousness. See MPEP 2144.05. Krumwiede et al. teach that the grey soda-lime silicate glass is made by the float method. See Abstract of Krumwiede et al. and column 11, lines 9-14. Krumwiede et al. further teaches that the grey flat glass is building glass. See column 11, lines 9-14.

Krumwiede et al. fails to teach any examples or compositional ranges that are sufficiently specific to anticipate the compositional limitations of claims 1-7 and 9-11. Overlapping ranges have been held to establish *prima facie* obviousness. MPEP 2144.05.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected from the overlapping portion of the ranges disclosed by the reference because overlapping ranges have been held to establish *prima facie* obviousness. See MPEP 2144.05.

One of ordinary skill in the art would expect that a glass with overlapping compositional ranges would have the properties as recited in claims 3, 11, and 12.

Products of identical composition may not have mutually exclusive properties. In re Spada 15 USPQ2d 1655,1658 (Fed. Circ. 1990).

Claims 1-7 and 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krumwiede et al., U.S. Patent 6,274,523 in view of Stachowiak, U.S. Patent 6,475,626.

Krumwiede et al. teach a grey glass composition having overlapping ranges of components with instant claims 1-7 and 9-11. See above 103(a) rejection.

Krumwiede et al. fail to teach that the glass is thermally toughened, used as a laminate or has a metal oxide film for IR reflection.

Stachowiak teaches that grey glasses are used as substrates for coated articles that include having IR reflecting layers. See column 3, lines 39-48, and column 4, lines 19-43. Stachowiak also teaches that the glass sheet is from 1 to 12 mm thick. See column 4, lines 21-23. Stachowiak further teaches that the glass substrate can be thermally treated, including thermal tempering or toughening. See column 4, lines 1-10.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a coated grey soda-lime silicate glass of Krumwiede et al. as suggested by Stachowiak because the resultant glass would have the superior IR reflecting optical properties.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH A. BOLDEN whose telephone number is (571)272-1363. The examiner can normally be reached on 10 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karl E Group/
Primary Examiner, Art Unit 1793

Elizabeth A. Bolden
Examiner
Art Unit 1793

EAB
13 February 2010